

115TH CONGRESS  
2D SESSION

# H. R. 6735

To direct the Secretary of Homeland Security to establish a vulnerability disclosure policy for Department of Homeland Security internet websites, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 7, 2018

Mr. MCCARTHY (for himself, Mr. HURD, Mr. LANGEVIN, and Mr. RATCLIFFE) introduced the following bill; which was referred to the Committee on Homeland Security

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## A BILL

To direct the Secretary of Homeland Security to establish a vulnerability disclosure policy for Department of Homeland Security internet websites, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEPARTMENT OF HOMELAND SECURITY DIS-**  
4 **CLOSURE OF SECURITY VULNERABILITIES.**

5 (a) VULNERABILITY DISCLOSURE POLICY.—The Sec-  
6 retary of Homeland Security shall establish a policy appli-  
7 cable to individuals, organizations, and companies that re-  
8 port security vulnerabilities on Department of Homeland  
9 Security public internet websites that shall include—

1           (1) the information technology to which the pol-  
2       icy applies;

3           (2) the conditions under which parties may le-  
4       gally operate to discover and report security vulnera-  
5       bilities;

6           (3) how individuals, organizations, and compa-  
7       nies should disclose discovered security vulnerabili-  
8       ties to the Department;

9           (4) the communication that parties that report  
10      security vulnerabilities should expect from the De-  
11      partment; and

12          (5) how the Department will disclose, or how  
13      parties that report security vulnerabilities may dis-  
14      close, reported security vulnerabilities.

15      (b) REMEDIATION PROCESS.—The Secretary shall  
16      develop a process for the Department of Homeland Secu-  
17      rity to address how the Department will mitigate or reme-  
18      diate security vulnerabilities reported through the policy  
19      developed in subsection (a).

20      (c) CONSULTATION.—In developing the security vul-  
21      nerability disclosure policy under subsection (a), the Sec-  
22      retary shall consult with—

23          (1) the Attorney General regarding how to en-  
24      sure that individuals, organizations, and companies  
25      that comply with the requirements of the policy de-

1 developed under subsection (a) are protected from  
2 prosecution under section 1030 of title 18, United  
3 States Code, civil lawsuits, and similar provisions of  
4 law with respect to specific activities authorized  
5 under the policy;

6 (2) the Secretary of Defense and the Adminis-  
7 trator of General Services regarding lessons that  
8 may be applied from existing vulnerability disclosure  
9 programs; and

10 (3) non-governmental security researchers.

11 (d) PUBLIC AVAILABILITY.—The Secretary shall  
12 make the policy developed under subsection (a) publicly  
13 available.

14 (e) SUBMISSION TO CONGRESS.—

15 (1) Not later than 90 days after the date of the  
16 enactment of this Act, the Secretary shall submit to  
17 Congress the policy required under subsection (a)  
18 and the remediation process required under sub-  
19 section (b).

20 (2) Not later than one year after creating the  
21 policy required under subsection (a) the Secretary  
22 shall submit a report to Congress, and annually  
23 thereafter for each of the next three years, the Sec-  
24 retary shall brief Congress with the following infor-  
25 mation with respect to the policy required under

1 subsection (a) and the process required under sub-  
2 section (b):

3 (A) the number of unique security vulnera-  
4 bilities reported;

5 (B) the number of previously unknown se-  
6 curity vulnerabilities mitigated or remediated;

7 (C) the number of unique parties that re-  
8 ported security vulnerabilities; and

9 (D) the average length of time between the  
10 reporting of security vulnerabilities and mitiga-  
11 tion or remediation of such vulnerabilities.

12 (f) DEFINITIONS.—In this section—

13 (1) the term “security vulnerability” has the  
14 meaning given that term in section 1501 of title 6,  
15 United States Code, in information technology; and

16 (2) the term “information system” has the  
17 meaning given that term by section 3502 of title 44,  
18 United States Code.

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